

## FOIA/NATIONAL FOIA OFFICE FACT SHEET

### **Background:**

In FY 2019, the Agency will continue to work to more centrally manage FOIA requests to achieve efficiencies in processing. On April 15, 2018, the National FOIA Office (NFO) was created in EPA's Office of General Counsel (OGC) by reorganizing the former Office of Environmental Information (OEI) National FOIA Program into OGC and combining it with OGC's FOIA Expert Assistance Team.

- In FY 2017, EPA received 11,518 requests – the most received by EPA since FY 2008
  - This is an increase of 9.7% over 2016 (when we received 10,403 requests).
- In FY 2018, EPA received at least 11,323 requests (shutdown began before the final tally was completed).
  - This is 8.12% more than 2016.
- The Agency currently has over 65 pending FOIA court cases. This is more than triple the number of cases received between 2013-2015, which was the Agency's previous highwater-mark for FOIA litigation.
- The Agency stopped tracking the backlog from the prior Administration at the end of August 2018.
  - At that time we had reduced the backlog by 74.1% (from 652 requests to 169).

The Office of Mission Support (OMS) eDiscovery Services is a critical, centralized service, provided to all EPA offices for searching, collecting and processing electronic information that may be responsive to FOIA requests, litigation needs, and Congressional inquiries.

### **Key Points:**

- The OGC NFO assigns all Headquarters' FOIA requests and makes Agency-wide decisions regarding FOIA expedited processing and fee waivers, and is updating and improving policies, procedures, regulations, guidance and training.
- OGC also provides legal counsel and support for EPA's FOIA responsibilities. OGC will continue to prioritize the timely and complete processing of FOIAs and FOIA administrative appeals to ensure compliance with all applicable laws and regulations.
- We have also implemented a series of critical reforms to the FOIA process at the Agency which include:
  - Reorganized the FOIA functions to increase centralization and increase accountability,
  - Upgraded eDiscovery suite of services and deployed tools to improve the efficiencies of FOIA electronic document review,
  - Hired and deployed more staff for processing FOIA responses and established a Tiger Team of 14 staff to handle document review within the Administrator's OfficeStreamlined the FOIA process by using the FOIA Expert Assistance Team (FEAT),
  - Improved accountability by including FOIA compliance as an element in supervisor performance plans.

**Talking Points:**

- We are working to ensure that we have the necessary resources to continue to improve our FOIA responses in the Administrator's office and across the agency.
- The volume of FOIA requests and FOIA litigation Agency-wide at EPA under this Administration (FY 2017 and FY 2018). The Administrator's Office **has seen nearly a 400% increase**.
- Nonetheless, we were able to make strides on the agency-wide FOIA backlog we inherited from the previous Administration, completing 500 requests and reducing that backlog by more than 75%.
- Every minute the Agency spends working on these voluminous FOIA requests is one minute less we have to focus on our core mission of human health protection and the environment.
- The Agency has over one hundred FTE working on FOIA.